

**CITY OF MIDLAND, TEXAS  
BRIEFING SESSION AGENDA  
Tuesday, February 13, 2007, 9:00 a.m.  
City Hall Conference Room  
300 North Loraine  
Midland, Texas**

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These items, as well as any other items on the regular posted agenda for the City Council Meeting on this date, may be discussed:

- ❖ 1. Present and discuss proposed policy for Quality Workforce Housing and Rental Inspection Program.

AGENDA FOR CITY COUNCIL MEETING  
Tuesday, February 13, 2007 – 10:00 a.m.  
Council Chamber – City Hall

The Midland City Council agenda is posted for public notice at least 72 hours prior to the Tuesday meetings. All requests to be placed on the Council agenda by the public must be submitted to the City Manager, in writing, at least one week before the Council meetings. Such written requests must be in sufficient detail to identify the subject matter as well as the contact person who will represent the matter before the Council. The City Council reserves the right to not consider matters over which the City has no jurisdiction.

❖Item related to City Council goals

1. Invocation – Reverend Roy Smith, True-Lite Christian Fellowship

**INVOKED**

2. Pledge of Allegiance

**PLEDGED**

**MISCELLANEOUS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to: **(ALL PRESENTED)**
  - a. Presentation for the 20<sup>th</sup> Annual Certificate of Achievement for Excellence in Financial Reporting Award.
  - b. Presentation of Proclamation for Black History Month.
  - c. Presentation of Resolution of Commendation to retiring City employee Mel Francis.
  - d. Presentation of Resolution of Commendation to retiring City employee Mike McLain.

**CONSENT AGENDA**

4. Consider a motion approving minutes of the January 23, 2007 City Council Meeting.  
**APPROVED**

- ❖5. Consider a resolution approving an amendment to the Midland Development Corporation's Budget for Fiscal Year 2005-2006.

**APPROVED**

- 6. Consider a resolution authorizing the purchase of ferric sulfate for the Water Purification Plant.

**APPROVED**

- 7. Consider a resolution authorizing the execution of a contract with Gomez Floor Covering, Incorporated, for replacement of floor coverings at the Loraine Center.

**APPROVED**

- 8. Consider a resolution authorizing the execution of a contract with Onyx Contractors, L.P., for replacement of golf cart paths at the Hogan Park Golf Course; and appropriating funds therefor.

**APPROVED**

- 9. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Midland International Airport Projects described as the Flight Information and Baggage Information Systems Upgrade Project (8781), the Runway 10/28 Shoulder Project (8732), and the Airfield Pavement Sweepers and Snow Removal Vehicles Project (8784).

**APPROVED**

- 10. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Midland International Airport Project described as the Airport Demolition Project 06 (8734).

**APPROVED**

- 11. Consider a resolution approving plans and specifications and authorizing a request for proposals for mowing, fertilization and pruning services within the City's parks system.

**APPROVED**

- 12. Consider a resolution approving plans and specifications and authorizing a request for proposals for management of public pools.

**APPROVED**

13. Consider a resolution accepting a civic contribution from Bank of America for continued development of James M. Bradford Park; and appropriating funds therefor.

**APPROVED**

14. Consider a resolution authorizing the City Manager to negotiate and execute a contract with Parkhill, Smith, & Cooper, Incorporated, for engineering services related to the expansion of Holiday Hill Road; and appropriating funds therefor.

**APPROVED**

15. Consider a motion to defer construction of sanitary sewer improvements for O'Neil Addition, Section 3, and to waive the associate public improvement guarantee.

**APPROVED**

- ❖16. Consider a resolution authorizing the application to Western National Bank for a Federal Home Loan Bank Affordable Housing Program Grant related to the Community Development Block Grant Program.

**APPROVED**

- ❖17. Consider a resolution appropriating funds to Project Number 8687 for use with the Occupied Housing Assistance Program.

**APPROVED**

18. Consider a resolution appointing Berry Simpson as the City of Midland Representative on the Midland-Odessa Transportation Organization ("MOTOR") Policy Board.

**APPROVED**

19. Consider a resolution authorizing the acceptance of grant funds from the Federal Emergency Management Agency; authorizing the execution of acceptance documents; and depositing said funds into the General Fund.

**APPROVED**

20. Consider a resolution authorizing an amendment to the existing professional services agreement with Shaw Environmental, Incorporated; and appropriating funds therefor.

**APPROVED**

21. Consider a resolution authorizing the office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to

represent the City of Midland and Phillip R. Garrison in a lawsuit styled Maria Victoria Almeraz v. Phillip R. Garrison, and the City of Midland, in the 142nd Judicial District Court, Midland County, Texas, Cause No. CV45,781.

**APPROVED**

**SECOND READINGS**

22. Consider an ordinance on second reading on a request by Glenn Miller for a zone change from PD, Planned District for a Housing Development, to an Amended Planned District for a Housing Development on Lots 6-13, Block 4, Holiday Hill Village, Section 3, City and County of Midland, Texas. (Generally located on the north side of Rio Grande Avenue, approximately 340 feet west of Guadalupe Street.)

**APPROVED**

23. Consider an ordinance on second reading on a request by Oppidan Investment Company for an Amended Planned District Site Plan on a 6.96-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located west side of N. Loop 250 West, approximately 350 feet north of Deauville Boulevard.)

**APPROVED**

24. Consider an ordinance on second reading on a request by T-Mobile USA for a Specific Use Permit without Term for a Wireless Communication System on Lot 1, Block 8, Town & County Annex, Section 3, City and County of Midland Texas. (Generally located on the north side of Cuthbert Avenue and the southwest side of Andrews Hwy.)

**APPROVED**

25. Consider an ordinance on second reading on a request by Jeff Cole for a Specific Use Permit without Term for an accessory building for living and sleeping quarters on Lot 14, Block 5, University Parks, City and County of Midland, Texas. (Generally located on the south side of Harvard Avenue, approximately 100 feet west of N. "L" Street.)

**APPROVED**

26. Consider an ordinance on second reading on a request by Robert Savage c/o BMRM Inv., Ltd. for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 7, Block 27, Wyndwood Estates, Section 20, City and County of Midland, Texas. (Generally located on the east side of North Loop 250 West, approximately 250 feet south of W. Wadley Avenue.)

**APPROVED**

27. Consider an ordinance on second reading on a request by Landgraf, Crutcher & Associates, Inc. for a zone change from AE, Agriculture Estate District and from FD, Future Development District, to 1F-1, One-Family Dwelling District on a 15.96-acre tract of land (Tract 1) and to PD, Planned District for a Housing Development on a 11.64-acre tract of land (Tract 2) all out of Section 35 & 36, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas. (Generally located on the north side of Andrews Hwy and on the east side of State Hwy 158.)

**APPROVED WITH AMENDMENTS**

28. Consider an ordinance on second reading on a city-initiated proposal to amend Section 11-1-6(B)16(b) of the Midland City Code by adding two new uses to Business Park District.

**APPROVED**

29. Consider an ordinance on second reading on a city-initiated request to amend Section 11-1-6(A)(9) of the Midland City Code regarding the site plan review process for apartments.

**APPROVED**

30. Consider an ordinance on second reading amending Title VI "Police Regulations", Chapter 1, "General Offenses" of the City Code of Midland, Texas, so as to add a new Section 2, "Oil and Gas Well Permits issued on or after March 1, 2007"; said ordinance shall regulate and govern the granting or rejecting of applications for oil and gas well permits; said ordinance provides for revised regulations regarding the drilling of oil and gas wells and exploration and production from oil and gas wells; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); establishing an effective date of March 1, 2007; and ordering publication.

**APPROVED**

31. Consider an ordinance on second reading amending Title VI "Police Regulations", Chapter 1, "General Offenses", Section 7, "Oil and Gas Wells" of the City Code of Midland, Texas, so as to clarify that this section shall apply to all oil and gas permits issued prior to March 1, 2007; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and ordering publication.

**APPROVED**

32. Consider an ordinance on second reading on a request by Paul Evans Partner – West Texas Spike I, Ltd. to vacate a 20-foot alley, being a 0.21-acre portion of

land adjacent to Blocks 49 and 50, Unrecorded Carol Crest Addition, Section 1, Block 39, T-2-S, T&P RR Co. Survey; and a 0.11-acre portion of land adjacent to Block 1, O'Neil Addition, 1<sup>st</sup> Section and Block 2, O'Neil Addition, Section 2, City and County of Midland, Texas. (Generally located south of Garden City Hwy, west of S. Fairgrounds Road.)

**APPROVED**

**PUBLIC HEARINGS**

33. At 11:00 a.m. hold a public hearing and consider an ordinance on a request by Brighton Country Development, LLC for a zone change from LR-2, Local Retail District, to PD, Planned District for a Housing Development on a 5.72-acre tract of land out of Section 6, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of Spence Drive, approximately 190 feet north of Briarwood Avenue.)

**APPROVED**

34. At 11:03 a.m. hold a public hearing and consider an ordinance on a request by James Cauthen for a zone change from IP-1, Industrial Park District, to PD, Planned District for an Industrial District on Lot 31, Block 9, Fairgrounds Addition, City and County of Midland, Texas. (Generally located on the west side of San Andres Drive approximately 200 feet south of Cuthbert Avenue.)

**APPROVED**

35. At 11:06 a.m. hold a public hearing and consider an ordinance ON APPEAL on a request by Larry Lee for an Amended Planned District Site Plan on Lot 2A, Block 2, Amaron Addition, Section 6, City and County of Midland, Texas. (Generally located near the southwest corner of the intersection of S. Rankin Hwy and Wolcott Avenue.)

**APPROVED WITH AMENDMENT**

36. At 11:09 a.m. hold a public hearing and consider a resolution on a request by Rose Taylor for a Special Temporary Land Use Permit for a Manufactured Home on Lot 3, Block 3, Sheeler Addition, City and County of Midland, Texas. (Generally located on the west side of Goode Street, approximately 250 feet south of Carter Avenue.)

**APPROVED**

**DEVELOPMENT SERVICES**

37. Consider an ordinance vacating a 0.030-acre tract of Ohio Avenue and Garfield Street located in Sections 27 and 28, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located at the intersection of Ohio Avenue and Garfield Street).

**APPROVED**

38. Consider an ordinance providing a maximum time limit of two hours for parking upon portions of "D" Street and Texas Avenue in Midland, Texas, described in Section One hereof during weekdays between the hours of 7:00 a.m. and 6:00 p.m.; authorizing and directing the Traffic Engineer to erect appropriate signs; declaring any vehicle in violation of the provisions of this ordinance a nuisance and providing for the removal of same; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and ordering publication.

**APPROVED**

**MISCELLANEOUS**

- ❖39. Consider a resolution authorizing the sale of Lots 8, 9, 10, 11 & 12, Block 56, Original Town of Midland, City of Midland, Midland County, Texas, to the Downtown Midland Management District; waiving landfill fees for associated disposal of debris; closing costs to be paid by the Downtown Midland Management District.

**APPROVED**

- ❖40. Consider an ordinance amending Ordinance No. 8096 authorizing the issuance of "City of Midland, Texas, Waterworks and Sewer System Revenue Refunding Bonds, Series 2002."

**APPROVED**

- ❖41. Consider an ordinance making certain transfers in various funds of the 2005-2006 Fiscal Year Budget and making certain budget amendments; and ordering recordation.

**APPROVED**

42. Consider a resolution authorizing the City Attorney to negotiate and execute a contract with Arcadis, Geraghty and Miller for the testing of water and related issues at the T-Bar Ranch Water Well Field in Loving County and Winkler County, Texas and the area known as the Beckham Properties which is contiguous to the T-Bar Ranch Water Well Field.

**APPROVED**



43. Consider a motion making appointments to various Boards and Commissions.

**NONE MADE**

44. Recess to the conference room for lunch.

45. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

**Deliberation Regarding Real Property, Section 551.072**

Discuss the purchase of real property in Section 13, Block 39, T-1-S, Midland County, Texas.

Discuss the sale of real property described as Lots 8, 9, 10, 11 & 12, Block 56, Original Town, City and County of Midland, Texas (300 West wall Street).

Discuss a possible lease agreement between the City of Midland, Union Pacific Railroad, and Midland County regarding railroad right-of-ways and street.

**Consultation with the City Attorney, Section 551.071**

Discuss potential litigation involving the T-Bar Ranch Water Well Field consisting of approximately 20,000 acres in Loving County and Winkler County, Texas.

Respectfully submitted,

Rick Menchaca  
City Manager